

**AFFIDAVIT**  
*of*  
**Bert Falls, Mortgage Fraud Examiner**

Here now comes the undersigned, Bert Falls, in this sworn statement regarding the attached Securitization Audit Report and Examiner Exhibits as described in detail in the following paragraphs. I am not an attorney and I do not intend this report to be construed as legal advice. However, I am qualified to render this statement based on my experience, qualifications and expertise as follows:

**EXPERIENCE, QUALIFICATIONS AND EXPERTISE OF AFFEANT**

I, Bert Falls, over 21 years of age, an expert on the subject matter of mortgage foreclosures, securitization audits, foreclosure litigation, mortgage fraud and forensic analysis of mortgage assignments have over 20 years of experience in the mortgage field.

I have knowledge in asset-backed securitization, foreclosure and loss mitigation I have studied in the areas of the Truth in Lending (TILA), the Real Estate Settlement Procedures Act (RESPA), the Fair Credit Reporting Act (FCRA), the Uniform Commercial Code (UCC), the Ohio Revised Code Section 5301 (Conveyances, Encumbrances) and Section 1109.75 (Securitization) and the Federal Rules of Evidence Rule 901 (Authenticating or Identifying Evidence) and Rule 902 (Evidence that is Self-Authenticating). ). Computer algorithms are utilized for handwriting and signature analysis.

I am proficient and knowledgeable in foreclosure litigation and mortgage-backed securitization and how these issues apply in judicial and extra-judicial foreclosure actions. In the course of my work I have read and reviewed mortgage loan-related documents including home loan disclosures, settlement statements, appraisals, underwriting and processing documents, mortgages, notes, allonge, assignments, more specifically assignments by Mortgage Electronic Registration Systems, Inc., complaints, affidavits and trust documents such as pooling and servicing agreements, prospectuses and prospectus supplements.

I perform research into the securitization, sale and transfer aspects of residential home mortgage loans and mortgage-backed securities and I am proficient in applying this research to particular facts in a given foreclosure case.



THE CASE IN FACT

1. The original transaction:
  - a. Date On or about October 1, 2007
  - b. Property Address 16 Red Chimney Drive  
Lincoln RI 02865
  - c. Borrower Lucien M. Spino
  - d. Co-Borrower Donna M. Spino
  - e. Originating Lender Beneficial Mortgage Co.
  - f. Principal Amount \$478,988
  - g. Debt Instrument Promissory Note
  - h. Interest Rate Unknown
2. It could not be ascertained if the promissory note has been endorsed.
3. The Deed of Trust has been not assigned. The Title Report on the mortgaged property records no assignments.
4. The Title Report on the mortgaged property records a Notice of Sale on May 8, 2009 in which the plaintiff is Beneficial Mortgage Co.

THE DOCUMENTS REVIEWED

5. Title Report dated February 27, 2020
6. Mortgage Loan Statement dated July 11, 2019



### CONCLUSION

7. The burden of proof lies with Beneficial Mortgage Co. to show that it has in its actual physical possession both the unendorsed promissory note and the unassigned Deed of Trust.

Please see report for main findings.



VERIFICATION OF AFFIANT

I, Bert Falls, of legal age and of sound mind and competence, in good faith, hereby confirm and assert as correct, complete and not misleading to the best of my information, understanding, knowledge and belief and subscribe on the herein verified Affidavit by me this 4<sup>TH</sup> day of March, 2020.

Affirmed by: 

**BERT FALLS, Fraud Examiner**

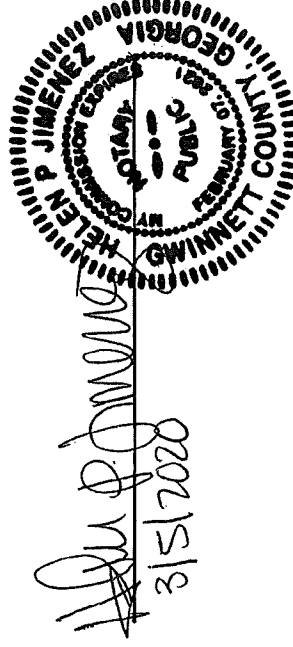
NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE

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Note: This affidavit is in support of the Chain of Title Examination Report findings for Lucien M. Spino and Donna M. Spino on a note dated October 1, 2007 under loan number (unknown) secured by a property located at 16 Red Chimney Drive, Lincoln RI 02865. The examiner cannot offer any other conclusion of any other report. The findings of this report are independent of those of any other professional auditor or certified fraud examiner.

